

PATENT Attorney Docket No.: 060616-5003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ian Duncan RUBIN et al.	) Confirmation No.: 8850
Serial No.: <b>09/891,615</b>	) Group Art Unit: <b>1654</b>
Filed: June 27, 2001	Examiner: Michele C. Flood
For: EXTRACTS, COMPOUNDS AND PHARMACEUTICAL COMPOSITIONS HAVING ANTI-DIABETIC ACTIVITY AND THEIR USE	) ) ) )

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

## SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(b), but to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by § 1.17(p).

Please charge the amount of \$180.00 as set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 50-0310.

Copies of the listed documents are enclosed. Applicants respectfully request that the Examiner consider the listed documents and indicate that the documents have been considered by making

appropriate notations on the attached form. 09/20/2004 FMETEKI1 00000005 500310 09891615

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This submission does not represent that a search has been made or that no better art exists and

does not constitute an admission that each or all of the listed documents are material or constitute "prior

art." If the Examiner applies the document as "prior art" against any claims in the application and

Applicants determine that the cited document does not constitute "prior art" under United States law,

Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate

status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the

disclosed invention over the listed documents, should one or more of the documents be applied against

the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by

this paper to charge any additional fees during the entire pendency of this application including fees due

under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or

credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a

CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R.

1.136(a)(3).

Dated: September 17, 2004 Morgan, Lewis & Bockius LLP Customer No. 09629

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Respectfully submitted,

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Registration No. 46,882

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6 INFORMATION DISCLOSURE CITATION			Attorney Docket 060616-5003		Application No. 09/891,615					
Wise several sheets if necessary)			Applicants: Ian Duncan RUBIN et al. Page 1 of 1							
SEP 1 7 20	104 <u>z</u>	PTO Form 1449	)	Filing Date: June 27, 2001		Group Art Unit: 1654				
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Examiner Date Considered										
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.										